

AMENDED IN ASSEMBLY AUGUST 18, 2000

AMENDED IN ASSEMBLY JUNE 21, 2000

AMENDED IN SENATE MAY 1, 2000

SENATE BILL

No. 2031

Introduced by Senator Figueroa

February 25, 2000

An act to amend Sections 101 and 473.15 of, and to amend and repeal Section 2475 of, of the Business and Professions Code, and to amend Section 1.5 of an initiative act entitled “An Act to establish a board of osteopathic examiners, to provide for their appointment, and to prescribe their powers and duties; to regulate the examination of applicants, who are graduates of osteopathic schools, for any form of certificate to treat disease, injuries, deformities, or other physical or mental conditions; to regulate the practice of those so licensed, who are graduates of osteopathic schools; to impose upon said board of osteopathic examiners all duties and functions, relating to graduates of osteopathic schools, holding or applying for any form of certificate or license, heretofore exercised and performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof” approved by electors November 7, 1922 (the Osteopathic Act), relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

SB 2031, as amended, Figueroa. Professions and vocations.

Existing law provides for the Department of Consumer Affairs to regulate certain professional boards.

This bill would make additions, corrections, and deletions to the list of boards regulated by the department.

This bill would also revise licensing requirements relative to the practice of podiatric medicine.

Existing law provides that the Joint Legislative Sunset Review Committee shall review certain boards regulated by the department.

This bill would make changes to the dates of reviews and the boards reviewed.

The Osteopathic Act, an initiative measure approved by the electors on June 2, 1913, provides for the regulation and licensing of osteopathic physicians and surgeons in this state by the Osteopathic Medical Board of California. The board presently consists of 5 licensed osteopaths and 2 members of the public.

This bill would increase the number of public members to 4. The Governor would appoint 2 of the public members, and the Senate Committee on Rules and the Speaker of the Assembly would each appoint the other 2 public members.

This bill would also provide that support for specified functions of the Osteopathic Medical Board of California shall be transferred to the Department of Consumer Affairs, as specified.

This bill would incorporate additional changes in Section 101 of the Business and Professions Code proposed by SB 1046, to be operative if SB 1046 and this bill are both enacted and become effective on or before January 1, 2001, and this bill is enacted last.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 101 of the Business and
- 2 Professions Code is amended to read:
- 3 101. The department is comprised of:
- 4 (a) The Dental Board of California.
- 5 (b) The Medical Board of California.



- 1 (c) The State Board of Optometry.
- 2 (d) The California State Board of Pharmacy.
- 3 (e) The Veterinary Medical Board.
- 4 (f) The California Board of Accountancy.
- 5 (g) The California Architects Board.
- 6 (h) The Bureau of Barbering and Cosmetology.
- 7 (i) The Board for Professional Engineers and Land
- 8 Surveyors.
- 9 (j) The Contractors' State License Board.
- 10 (k) Bureau for Private Postsecondary and Vocational
- 11 Education.
- 12 (l) The Structural Pest Control Board.
- 13 (m) The Bureau of Home Furnishings and Thermal
- 14 Insulation.
- 15 (n) The Board of Registered Nursing.
- 16 (o) The Board of Behavioral Sciences.
- 17 (p) The State Athletic Commission.
- 18 (q) The Cemetery and Funeral Bureau.
- 19 (r) The State Board of Guide Dogs for the Blind.
- 20 (s) The Bureau of Security and Investigative Services.
- 21 (t) The Court Reporters Board of California.
- 22 (u) The Board of Vocational Nursing and Psychiatric
- 23 Technicians.
- 24 (v) The Landscape Architects Technical Committee.
- 25 (w) The Bureau of Electronic and Appliance Repair.
- 26 (x) The Division of Investigation.
- 27 (y) The Bureau of Automotive Repair.
- 28 (z) The State Board for Geologists and Geophysicists.
- 29 (aa) The Respiratory Care Board *of California*.
- 30 (ab) The Acupuncture Board.
- 31 (ac) The Board of Psychology.
- 32 (ad) The California Board of Podiatric Medicine.
- 33 (ae) The Physical Therapy Board *of California*.
- 34 (af) The Arbitration Review Program.
- 35 (ag) The Committee on Dental Auxiliaries.
- 36 (ah) The Hearing Aid Dispensers Bureau.
- 37 (ai) The Physician Assistant Committee.
- 38 (aj) The Speech-Language Pathology and Audiology
- 39 Board.
- 40 (ak) The Osteopathic Medical Board of California.

- 1 (a) Any other boards, offices, or officers subject to its
2 jurisdiction by law.
- 3 *SEC. 1.1. Section 101 of the Business and Professions*
4 *Code is amended to read:*
- 5 101. The department is comprised of:
- 6 (a) The Dental Board of California.
7 (b) The Medical Board of California.
8 (c) The State Board of Optometry.
9 (d) The California State Board of Pharmacy.
10 (e) The Veterinary Medical Board.
11 (f) The California Board of Accountancy.
12 (g) The California State Architects Board of
13 ~~Architectural~~ Examiners.
14 (h) The ~~State Board~~ Bureau of Barbering and
15 Cosmetology.
16 (i) The Board for Professional Engineers and Land
17 Surveyors.
18 (j) The Contractors' State License Board.
19 (k) ~~The State Board of Funeral Directors and~~
20 ~~Embalmers~~ Bureau for Private Postsecondary and
21 Vocational Education.
22 (l) The Structural Pest Control Board.
23 (m) The Bureau of Home Furnishings and Thermal
24 Insulation.
25 (n) The Board of Registered Nursing.
26 (o) The Board of Behavioral Sciences.
27 (p) The State Athletic Commission.
28 (q) The Cemetery ~~Board~~ and Funeral Bureau.
29 (r) The State Board of Guide Dogs for the Blind.
30 (s) The Bureau of Security and Investigative Services.
31 (t) The Court Reporters Board of California.
32 (u) The Board of Vocational Nursing and Psychiatric
33 Technicians.
34 (v) The ~~California State Board of~~ Landscape
35 Architects *Technical Committee*.
36 (w) The Bureau of Electronic and Appliance Repair.
37 (x) The Division of Investigation.
38 (y) The Bureau of Automotive Repair.
39 (z) The State Board ~~of Registration~~ for Geologists and
40 Geophysicists.

1 ~~(aa) The State Board of Nursing Home~~
2 ~~Administrators.~~

3 ~~(ab) The Respiratory Care Board of California.~~

4 ~~(ac)~~

5 ~~(ab) The Acupuncture Examining Committee Board.~~

6 ~~(ad)~~

7 ~~(ac) The Board of Psychology.~~

8 ~~(ae)~~

9 ~~(ad) The California Board of Podiatric Medicine.~~

10 ~~(af)~~

11 ~~(ae) The Physical Therapy Board of California.~~

12 ~~(ag)~~

13 ~~(af) The Arbitration Review Program.~~

14 ~~(ah)~~

15 ~~(ag) The Committee on Dental Auxiliaries.~~

16 ~~(ai)~~

17 ~~(ah) The Hearing Aid Dispensers Examining~~
18 ~~Committee Bureau.~~

19 ~~(aj)~~

20 ~~(ai) The Physician Assistant Examining Committee.~~

21 ~~(ak)~~

22 ~~(aj) The Speech-Language Pathology and Audiology~~
23 ~~Board.~~

24 ~~(al) The Tax Preparers Program.~~

25 ~~(am)~~

26 ~~(ak) The Osteopathic Medical Board of California.~~

27 ~~(al) The California Board of Occupational Therapy.~~

28 ~~(am) Any other boards, offices, or officers subject to its~~
29 ~~jurisdiction by law.~~

30 SEC. 2. Section 473.15 of the Business and Professions
31 Code is amended to read:

32 473.15. (a) The Joint Legislative Sunset Review
33 Committee established pursuant to Section 473 shall
34 review the following boards established by initiative
35 measures, as provided in this section:

36 (1) The State Board of Chiropractic Examiners
37 established by an initiative measure approved by electors
38 November 7, 1922.

39 (2) The Osteopathic Medical Board of California
40 established by an initiative measure approved June 2,

1 1913, and acts amendatory thereto approved by electors
2 November 7, 1922.

3 (b) The Osteopathic Medical Board of California shall
4 prepare an analysis and submit a report as described in
5 subdivisions (a) to (e), inclusive, of Section 473.2, to the
6 Joint Legislative Sunset Review Committee on or before
7 September 1, 2003.

8 (c) The State Board of Chiropractic Examiners shall
9 prepare an analysis and submit a report as described in
10 subdivisions (a) to (e), inclusive, of Section 473.2, to the
11 Joint Legislative Sunset Review Committee on or before
12 September 1, 2001.

13 (d) The Joint Legislative Sunset Review Committee
14 shall, during the interim recess of 2003 for the
15 Osteopathic Medical Board of California, and during the
16 interim recess of 2001 for the State Board of Chiropractic
17 Examiners, hold public hearings to receive testimony
18 from the Director of Consumer Affairs, the board
19 involved, the public, and the regulated industry. In that
20 hearing, each board shall be prepared to demonstrate a
21 compelling public need for the continued existence of the
22 board or regulatory program, and that its licensing
23 function is the least restrictive regulation consistent with
24 the public health, safety, and welfare.

25 (e) The Joint Legislative Sunset Review Committee
26 shall evaluate and make determinations pursuant to
27 Section 473.4 and shall report its findings and
28 recommendations to the department as provided in
29 Section 473.5.

30 (f) In the exercise of its inherent power to make
31 investigations and ascertain facts to formulate public
32 policy and determine the necessity and expediency of
33 contemplated legislation for the protection of the public
34 health, safety, and welfare, it is the intent of the
35 Legislature that the State Board of Chiropractic
36 Examiners and the Osteopathic Medical Board of
37 California be reviewed pursuant to this section.

38 (g) It is not the intent of the Legislature in requiring
39 a review under this section to amend the initiative
40 measures that established the State Board of Chiropractic

1 Examiners or the Osteopathic Medical Board of
2 California.

3 SEC. 3. Section 2475 of the Business and Professions
4 Code, as amended by Section 26 of Chapter 655 of the
5 Statutes of 1999, is amended to read:

6 2475. Unless otherwise provided by law, no
7 postgraduate trainee, intern, resident postdoctoral
8 fellow, or instructor may engage in the practice of
9 podiatric medicine, or receive compensation therefor, or
10 offer to engage in the practice of podiatric medicine
11 unless he or she holds a valid, unrevoked, and
12 unsuspended certificate to practice podiatric medicine
13 issued by the division. However, a graduate of an
14 approved college or school of podiatric medicine upon
15 whom the degree doctor of podiatric medicine has been
16 conferred, who is issued a limited license, which may be
17 renewed annually for up to four years for this purpose by
18 the division upon recommendation of the board, and who
19 is enrolled in a postgraduate training program approved
20 by the board, may engage in the practice of podiatric
21 medicine whenever and wherever required as a part of
22 that program under the following conditions:

23 (a) A graduate with a limited license in an approved
24 internship, residency, or fellowship program may
25 participate in training rotations outside the scope of
26 podiatric medicine, under the supervision of a physician
27 and surgeon who holds a medical doctor or doctor of
28 osteopathy degree wherever and whenever required as
29 a part of the training program, and may receive
30 compensation for that practice. If the graduate fails to
31 receive a license to practice podiatric medicine under
32 this chapter within two years from the commencement
33 of the postgraduate training, all privileges and
34 exemptions under this section shall automatically cease.

35 (b) Podiatric hospitals functioning as a part of the
36 teaching program of an approved college or school of
37 podiatric medicine in this state may exchange instructors
38 or resident or assistant resident podiatrists with another
39 approved college or school of podiatric medicine not
40 located in this state, or those hospitals may appoint a

1 graduate of an approved school as such a resident for
2 purposes of postgraduate training. Those instructors and
3 residents may practice and be compensated as provided
4 in paragraph (1), but that practice and compensation
5 shall be for a period not to exceed one year.

6 SEC. 4. Section 2475 of the Business and Professions
7 Code, as amended by Section 27 of Chapter 655 of the
8 Statutes of 1999, is repealed.

9 SEC. 5. Section 1.5 of the Osteopathic Act is amended
10 to read:

11 Sec. 1.5. In addition to the five members of the
12 Osteopathic Medical Board of California as provided for
13 in Section 1, there shall be four public members on the
14 board. The public members shall not be licensees of any
15 board in Division 2 (commencing with Section 500) of the
16 Business and Professions Code nor of any initiative act
17 referred to in that division. The Governor shall appoint
18 two of the public members and the Senate Committee on
19 Rules and the Speaker of the Assembly shall each appoint
20 a public member. The public member shall serve for a
21 term of three years and shall not serve for more than
22 three full consecutive terms.

23 SEC. 6. *The support of the budget, accounting, and*
24 *personnel functions of the Osteopathic Medical Board of*
25 *California shall be transferred to the Department of*
26 *Consumer Affairs, effective July 1, 2001, unless the*
27 *executive officer of the board and the director agree to*
28 *an earlier date.*

29 SEC. 7. *Section 1.1 of this bill incorporates*
30 *amendments to Section 101 of the Business and*
31 *Professions Code proposed by both this bill and SB 1046.*
32 *It shall only become operative if (1) both bills are enacted*
33 *and become effective on or before January 1, 2001, (2)*
34 *each bill amends Section 101 of the Business and*
35 *Professions Code, and (3) this bill is enacted after SB 1046,*
36 *in which case Section 1 of this bill shall not become*
37 *operative.*

